Nova Scotia

NOVA SCOTIA OFFICE OF THE OMBUDSMAN

ANNUAL ACCOUNTABILITY REPORT FOR THE FISCAL YEAR

2004-2005

Final Report
November 28, 2005

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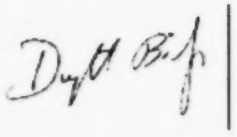
ACCOUNTABILITY STATEMENT

The accountability report of the Office of the Ombudsman for the year ended March 31, 2005, is prepared pursuant to the Provincial Finance Act and government policies and guidelines. These authorities require the reporting of outcomes against the Office of the Ombudsman business plan information for the fiscal year 2004-2005. The reporting of the Office of the Ombudsman outcomes necessarily includes estimates, judgments and opinions by Office of the Ombudsman management.

I acknowledge that this accountability report is the responsibility of the Office of the Ombudsman management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Office of the Ombudsman business plan for the year.



Dwight Bishop
Ombudsman

MESSAGE FROM THE OMBUDSMAN

This has been a year of transition. Our operations have been restructured, jurisdictional and staffing issues addressed. A more proactive outreach program has been implemented, one which incorporates a less formal complaint resolution process. The commitment of staff and support of political leaders, public servants and the community was central to these changes. I am pleased we met most of our goals, given the challenges of the office reorganization. Further attention is required, particularly in the youth and senior citizens area, our accessibility to the public, and the examination of trends and patterns which may signify difficulty within the service delivery of departments and agencies.

Dwight Bishop
Ombudsman

INTRODUCTION

This report is based on the goals, priorities and performance measures set out in the Office of the Ombudsman (the Office) 2004-2005 Business Plan and should be read in concert with the 2004-2005 Business Plan. We changed the method used to report our investigation process and time lines in this fiscal year, therefore these measures will be reported using the method outlined in the 2005-2006 Business Plan.

This report is organized around our strategic goals and will outline the progress made towards achieving goals and priorities. The final sections set out financial information and performance measures. The Office spent 87.9 % of the allotted budget for 2004-2005. The surplus was a result of delays associated with the implementation of the office reorganization.

Work conducted in this fiscal year resulted in the successful reorganization of the Office on April 1, 2005. The restructuring included stabilizing the workforce, revising the roles and reporting structures, and relocating the office on an interim basis pending tendering procedures regarding accommodations. Staff were appointed under the authority of the Ombudsman Act thereby enhancing the independence of the Office. There are now essentially four sections: Investigation and Complaint Services, Youth and Seniors' Services, Disclosure of Wrongdoing, and Administration. The reorganization enhances our ability to improve the complaint resolution process and to interact with stakeholders. We revised our mission statement and developed a logo to more accurately reflect our role.

The Ombudsman Act was amended in May 2004 and in December 2004, Cabinet approved the regulations clarifying jurisdiction over school boards, child welfare agencies, licensed child-caring facilities, nursing homes and homes for the aged, residential care facilities for seniors, hospitals and community colleges. This allowed the Office to broaden its scope to reach youth in residential child-caring facilities and to implement a seniors' outreach program.

In September 2004, our mandate expanded to include responsibilities as set out in the *Regulations Respecting Civil Service Disclosure of Wrongdoing*. In preparation for the implementation of the regulations, an Ombudsman Representative was temporarily assigned to fulfill these responsibilities. Training for this role included job shadowing with the Public Service Integrity Office in Ottawa. Consultations with the Public Service Commission occurred and standards for the Ombudsman investigation process were developed. We also assisted the Workers' Compensation Board's policy advisors in establishing their internal disclosure of wrongdoing procedures.

At the outset of the 2005-2006 fiscal year, a guideline of advising Deputy Ministers and municipal CAO's of on-going administrative reviews was implemented. The number of these administrative reviews will be reported in next year's accountability report.

PROGRESS & ACCOMPLISHMENTS

The following is a brief report on major initiatives undertaken to achieve the priorities established in the 2004-2005 Business Plan:

Priority One:

Provide a complaint resolution process that ensures all complaints filed by citizens, including youth in the care and custody of municipal and provincial governments, are investigated professionally, objectively, thoroughly, and in a confidential and timely manner.

- review and monitor the complaint resolution process for efficiency and effectiveness in meeting client needs and/or expectations.

As part of the review and monitoring of the complaint resolution process, the term "assessment" has been replaced with "administrative review". This term more accurately reflects the nature and scope of the work. The complaint resolution process is monitored through individual file reviews, team meetings and management updates. A more defined quality assurance program was implemented. These measures allow us to determine priorities, define issues, and monitor time frames to ensure all complaints and inquiries are processed as efficiently as possible with the existing resources.

- develop a standardized approach to investigations

Reviews of the approaches and computer tracking systems used for investigations and those used to address issues pertaining to youth are on-going. The current computer tracking systems do not meet office requirements.

Revised job descriptions were developed for all investigation staff incorporating the similarities of investigation procedures while allowing for differences when addressing youth and seniors issues. An investigation protocol and quality assurance program were implemented. Individual and office training plans were developed to ensure staff have the skills required to ensure quality investigations and administrative reviews.

- expand the responsibility of the Children's Section to cover all aspects of the child serving systems of government.

The amendment to the Ombudsman Act in May 2004 and the approval in December 2004 of the

regulations clarified our jurisdiction over a number of entities. Youth and seniors' issues will now be addressed by staff responsible for youth and seniors' issues.

- develop a communication strategy to introduce and implement the complaints resolution process developed for youth in care.

Staff and Community Services representatives developed a communication strategy to introduce the complaints resolution process developed for youth in the residential child-caring facilities.

- develop a strategy to increase presence and to improve service delivery to the adult correctional facilities.

Dialogue continued with Department of Justice officials. Staff toured detention facilities to increase familiarity with the centres. An Ombudsman Representative was designated as the primary contact for adult offender complaints.

- conduct systemic reviews or audits of issues identified by computer data tracking systems.

A more disciplined approach is being developed to identify trends requiring systemic review. Systemic issues identified include concerns regarding search and use of restraint procedures, environmental, and the social safety net.

Priority Two:

Undertake a more proactive role through educating and increasing the awareness of citizens, children, youth, elected officials and employees of the Public Service, of the right to access the Ombudsman's independent, objective review/complaint resolution mechanism and the principles of administrative fairness and good governance.

Our strategy to accomplish this priority is to:

- provide citizens, including youth in the care and custody of municipal and provincial governments, with access to the Ombudsman's toll-free inquiry lines.

The Office continued to provide access to the Ombudsman's toll-free inquiry lines. Access and privacy issues related to the use of these lines in care and custody facilities are monitored.

- conduct speaking engagements, information and training sessions, focus groups, audits and regular site visits for citizens, including youth in the care and custody of municipal and provincial governments, senior citizens, elected officials and employees of the Public Service on the role and mandate of the Office of the Ombudsman.

Staff provided a total of 30 presentations targeted to seniors, government employees, police and community groups. A presentation was made at the conference of the Canadian Association of Civilian Oversight of Law Enforcement. (Total participants 472). In addition 825 individuals visited our booths at the Seniors' Expo and at a Diabetes Association function.

Thirty-nine (39) site visits were made to youth in care and custody facilities. Forty-five (45) information sessions were provided to 87 new admissions to the youth correctional facilities and 35 new admissions in the secure care facility received information sessions. (Total new admissions 122). The purpose of these site visits is to ensure youth in care and custody of the province are aware of, and have access to, the Ombudsman complaint resolution process. The Ombudsman and staff conducted numerous site visits in relation to administrative reviews and investigations and toured adult correctional and youth detention facilities.

The Ombudsman conducted five presentations to senior provincial governmental officials, the Human Resources Legislative Committee, service clubs, and a high school. The Ombudsman also met with senior provincial government officials, as well as mayors, wardens and CAO's of municipalities. (Total 291).

Media coverage of the office expanded and an article featuring this Office was included in the August 2004 Nova Scotia Barristers' Society publication. Ombudsman information packages and brochures were distributed throughout the fiscal year to complainants and respondents involved in administrative reviews and investigations as well as to participants in education presentations. 2200 brochures were distributed - 950 of the *Do You Have Concerns About Provincial or Municipal Services?* and 1250 of the *We Have Time to Talk*, (920 English version, 330 Mi'kmaq version). An additional nine *We Have Time to Talk* plagues were distributed (6 English, 3 French).

Updates to the web page include the posting of the Annual Report covering the period from January 1, 2001 - March 21, 2003, the Accountability Report for the fiscal year 2003-2004, and the Business Plan for 2005-2006. Due to software problems reported by our IT unit, the number of site hits to our website is not available.

- stabilize the staff by moving from contract to permanent positions.

The office reorganization was completed and permanent staff were hired through competitions. Staff were appointed under authority of the Ombudsman Act.

- increase the expertise of employees responsible for the administration of the Ombudsman Act through training initiatives.

Training manuals and the policy and procedural manuals were developed or revised in anticipation of the office reorganization. All staff participated in workshops regarding investigation techniques; ethics, and media training. Individual training included foundations of administrative justice, police

ethics, presentation computer courses, diversity and employment equity, Aboriginal perceptions, policy training, and management and leadership development.

- develop and implement strategies to increase awareness and improve service delivery to specific groups, such as senior citizens, Aboriginal and African Nova Scotian communities and new immigrants.

In 2004-2005 the Office was in the early stages of implementing a Seniors' Services component. An Ombudsman Representative was assigned (for a percentage of their time) to the development of this component. In November 2004, a proposal was developed from the culmination of research, numerous discussion groups, presentations, and outreach conducted throughout the province. The Office addressed sixteen (16) complaints and inquiries regarding seniors issues, one of which proceeded to an investigation with three (3) recommendations currently being considered by government officials. The Representative participated on a number of Seniors' Committees, including and ad hoc committee for housing issues chaired by the Senior Citizens' Secretariat, Nova Scotia Assisted Living Stakeholder Group, and the Elder Abuse Prevention Strategy Committee. A representative attended the Senior Citizens' Fall Consultative Meeting which was hosted by the Senior Citizens' Secretariat. Once fully established the Seniors' Services component intends to provide independent oversight to seniors in all residential care facilities, nursing homes, and homes for the aged through a regular visitation process.

Outreach to the Aboriginal and African Nova Scotian communities included meetings with community representatives. Presentations were conducted in Eskasoni and Membertou for policing services members. Staff participated in a tour of the Black Cultural Centre and attended the 21st anniversary celebration of the Black Cultural Centre. The brochure *We Have Time to Talk* is available in English and Mi'kmaq. Staff participated in workshops in Employment Equity and Diversity and Aboriginal Perceptions. We continue to work towards maintaining and increasing diversity within the Office. We have participated in the diversity student employment programs over the past number of years. In 2004-2005, we provided employment and training to two students from this program (African and Inuit heritage). We also hosted a student from Holland as she conducted research to complete her internship program on the impact of recommendations made by this Office.

- act as liaison among and between municipal, provincial, and federal departments, thereby improving the interaction among various departments and levels of government.

Administrative reviews and investigations routinely identify areas where jurisdictions overlap, either among provincial entities or between municipal, provincial and federal governments. This is prevalent when dealing with issues regarding the social safety net or with environmental concerns. Our mandate allows us to identify the overlaps and assist in addressing issues that are impacted by the overlap. Our reviews bring out the need for cooperation amongst the various entities. This issue is also addressed during meetings at the senior management level of government. Discussions with our office have resulted in cooperative approaches to address concerns.

Liaison activity is also conducted through committee participation and conference presentation, such as:

- A group session hosted by the Corrections Health Unit of Capital Health. The purpose of the session was to provide an overview of the issues that affect the offender group and solicit input from various agencies across the Province.
- Member of the Nova Scotia Elder Abuse Prevention Strategy Committee. The Senior Citizens' Secretariat leads the implementation of this strategy in partnership with other government and community stakeholders.
- Presentation made at the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) 2004 conference. The audience consisted of members of federal, provincial, municipal, First Nations, police boards and commissions.

Priority Three:

Provide a service that includes a proactive role while maintaining independence from government to ensure public confidence in our investigations.

Our strategy to accomplish this priority is to:

- communicate to government officials the availability of Office of the Ombudsman staff to conduct presentations and reviews of draft internal policies and procedures.

Upon completion of Section 15 investigations, letters are sent to government officials offering to provide presentations to staff. In addition, staff regularly meet with public servants to provide an overview of our role. Ten (10) information presentations were provided to employees of municipal and provincial government entities reaching 49 government officials. The Ombudsman met several senior provincial government officials; including mayors, wardens and CAO's of municipalities reaching over 30 people.

- request and participate in information sessions offered by various government departments to further enhance staff's knowledge and understanding of the programs and their administration within government.

Staff received presentations from representatives of Sheriff Services, the Police Commission, and the Department of Justice (ethics).

- upon request, review draft and internal polices and procedures to provide input on administrative fairness and good governance in the delivery of government programs and services.

Input was provided to proposed amendments to the Corrections Act, the Adult Protection Act, and the Protection of Persons in Care Act. We assisted with policy development regarding the Civil Service Disclosure of Wrongdoing Regulations, reviewed a consultant's report for Community Services regarding child welfare services governance and business models, and reviewed a proposed policy regarding electronic search device (Secure Care).

The Ombudsman and an investigator appeared before the Standing Committee on Human Resources on February 1, 2005 to assist in the Committee's understanding of the role and responsibilities of this Office under the Ombudsman's Act and the new Regulations.

- develop and implement a complaints resolution process to respond to specific groups, such as senior citizens, Aboriginal and African Nova Scotian communities and new immigrants.

The enhanced Seniors' Services proposal was initiated. This outreach process is designed to increase the Office of the Ombudsman's presence in Residential Care Facilities for Seniors, Nursing Homes and Homes for the Aged. A component of the restructuring is to have an Ombudsman Representative in place whose responsibilities will primarily focus on seniors' issues. Outreach to Aboriginal and African Nova Scotians included meetings with community representatives.

- increase presence and improve service delivery to the adult correctional facilities

An Ombudsman Representative was designated as the primary contact for offender complaints.

- continue to develop a mutual relationship of trust and respect with government authorities to ensure acceptance of recommendations arising from independent and confidential investigations and reports.

Forty-three (43) formal recommendations were made in 2004-2005. Forty-two (42) have been either accepted or are currently being considered by government officials. The rationale for not accepting one recommendation was accepted. Our office is monitoring the implementation of outstanding recommendations. In addition to these recommendations, we provide advice and recommendations stemming from administrative reviews which result in positive change to the delivery of government services.

One government department requested an investigation by our Office in relation to a complaint they had received. This investigation has been completed with seven recommendations accepted and being monitored.

The 2003-2004 Annual Report provided a more detailed statistical outline of the number and types of complaints and inquiries received. We continue to review and improve our reporting.

FINANCIAL RESULTS

Office of the Ombudsman Budget Expenditures 2004-2005		
Core Business	Budget	Actual
	($ thousands)	($ thousands)
Gross Expenses	915.0	812.6
Net Program Expenses	915.0	804.0
Salaries & Benefits	683.6	587.9
Funded Staff (FTE's)	12.0	12.0

The Office of the Ombudsman spent 87.9% of the allotted budget. The percentage not spent represents the forecasted amount the office reorganization would require had it been completed in this fiscal year as well as travel costs forecasted in anticipation of the amendment to the Ombudsman Act and Regulations.

PERFORMANCE MEASURES

This fiscal year was one of transition and growth. The reorganization and relocation of the office were very positive events, while at the same time, very disruptive. Despite these challenges, the Office of the Ombudsman made or exceeded the majority of our performance targets.

A core business area identified in the 2004-2005 Business Plan was:

> **Receive and investigate complaints filed by citizens against provincial and municipal government departments, agencies, boards and commissions and work with departments and agencies to improve the administrative services.**
>
> The outcome is to ensure the concerns of citizens are handled in a manner that is efficient and effective.
>
> Measure - the timely completion of administrative reviews and investigations.

The target set in the 2004-2005 Business Plan was to complete assessments in an average of 2.5 weeks and to have formal investigations completed within 12 months. As indicated earlier in this report, the term "assessment" has been replaced with "administrative review". This term more accurately reflects the nature and scope of the work which encompasses assessments and as well as the less formal investigations in which Ombudsman Representatives work directly with staff rather than directing the complaint inquiries to the department heads. The current methodology provides a more meaningful indication of the time required to address concerns and clearly demonstrates that the vast majority of concerns are addressed by this Office within one month of receipt.

Administrative Reviews Time Frames:

A significant number of administrative reviews result in changes in government policies, procedures and actions which contribute to improvements in the delivery of government services.

In 2005-2006 we implemented a guideline of advising Deputy Ministers and municipal CAO's of administrative reviews which have not been completed within a four week period. The number of the administrative reviews, with notification to the Deputy Ministers and CAO's, will be reported in next year's accountability report.

In addition to the 1115 administrative reviews addressed in 2004-2005, the Office conducted 14 formal investigations, six were opened in this fiscal year and all 14 were completed, with 8 being monitored to ensure compliance with our recommendations. The average length of these investigations was 15 months, the average length of the investigations opened and closed in this fiscal year was six months.

A second core area is:

> **Advise citizens, including youth and seniors, and provide a voice for children and youth in care and custody of municipal and provincial governments of their right to access internal departmental and external complaint mechanisms, and of their right to access the Office of the Ombudsman.**
>
> The outcome is addressing concerns of citizens in a manner that is fair, appropriate, and cost effective. This outcome has two measures.
>
> Measure - the number of contacts made through the complaint resolution process.

In 2003-2004, we increased the number of contacts by 24% (2098 citizens). In 2004-2005 the target of an additional 15% increase was not met as the number of contacts recorded in our data tracking systems was 1816.

Total number of citizens contacted through the complaint resolution process in 2004-2005:

Non Jurisdictional (referrals)	Administrative Reviews & Youth contacts	Investigations	Total
673	1115	30*	1816

*14 investigations with 30 named complainants.

In addition to the 30 complainants associated with 14 formal investigations, we received 1788 inquiries and complaints in this fiscal year, for a total of 1816 contacts. 1115 involved municipal and provincial bodies within our jurisdiction. The percentage of issues received within our mandate increased from 52.13 % in 2003-2004 to 62.47 % in 2004-2005. Investigation and Complaint Services

addressed 1439 of the inquiries and complaints, 328 were issues involving youth, 16 related to seniors and 5 were inquiries regarding the Civil Servant Disclosure of Wrongdoing Regulations.

Measure - the number of citizens including youth in care/custody whose understanding of rights and complaint processes is enhanced through information sessions, admission sessions in facilities and speaking engagements.

1710 individuals received information about the Office through presentations, site visits and information booths. Our target of a 15% increase (reaching 664 individuals) was exceeded by 206%.

The third core business area is:

Recommend and monitor amendments to policies, procedures and legislation that adhere to the principles of administrative fairness for citizens, including youth in the care and custody of municipal and provincial governments. Through the recommending and monitoring component, the Office of the Ombudsman advises and educates citizens, including youth in the care and custody of municipal and provincial governments, elected officials and employees of the Public Service, of the principles of administrative fairness and good governance.

The outcome is increased government awareness for potential improvements to services and strategies. This outcome has four measures.

Through administrative reviews and investigations, the Office examines and evaluates the policies, procedures, regulations, and legislation of government to determine whether they are being implemented properly and administered fairly. The outcome of our analysis is conveyed to the complainants and respondents.

Measure - the number of cases successfully completed through audits and recommendations.

This target was in reference to formal investigations and as indicated earlier in this report, a revised approach by this Office has reduced the number of formal cases, therefore the target of conducting 100 formal investigations is no longer relevant. New targets will be set in the upcoming business plan which will reflect the modifications in approach and methods of recording complaint information.

The number of formal recommendations made in this fiscal year was forty-three (43). One recommendation was not accepted while the remainder were either accepted or are currently being considered by government officials. Our office is monitoring the outstanding recommendations to ensure compliance is achieved. In addition to these recommendations, this office makes numerous informal recommendations and suggestions flowing from administrative reviews and assists in clarifying other concerns on a daily basis.

In addition to the review of policies, procedures and legislation associated with administrative reviews and investigations, we provided input to proposed legislative amendments to the Corrections Act, Adult Protection Act, and the Protection of Persons in Care Act. We also assisted with policy development regarding the Civil Service Disclosure of Wrongdoing Regulations, a review of a consultant's report for Community Services regarding child welfare services governance and business models, and a proposed policy regarding electronic search device (Secure Care).

Measure - expanding and conducting "exit interviews"

These are interviews of youth conducted just prior to their release from youth detention facilities. In 2003-2004, 25 exit interviews of youth in the detention facilities were completed. This practice was discontinued in this fiscal year, however in 2005-2006, interviews will expand to encompass youth at all stages of the care, custodial and detention processes.

The Office held ongoing informal consultations with youth, staff of youth serving facilities and conducted best practices analytical research; which included 25 interviews of youth gauging their experiences entering the custodial/detention process, and 15 interviews of front line staff with varied levels of training and experience with youth.

Measure - consultations with government departments on development and implementation of law and policy.

We continued consultations with the Departments of Justice and Community Services regarding our outreach initiatives. In addition, the Ombudsman met with Deputy Ministers and municipal heads to discuss and obtain feedback regarding the initiatives and changes in the approach the Office is implementing. Input was provided to proposed amendments to the Corrections Act, the Adult Protection Act, and the Protection of Persons in Care Act. We assisted with policy development regarding the Civil Service Disclosure of Wrongdoing Regulations, reviewed a consultant's report for Community Services regarding child welfare services governance and business models, and reviewed a proposed policy regarding electronic search device (Secure Care).

Measure - access to and knowledge of the website.

Updates included completion of the information regarding the initiatives dedicated to youth, posting our Accountability Report for the fiscal year 2003-2004, and the Business Plan for 2005-2006. Due to software problems reported by our IT unit, the number of hits to our website is not available.

Measure - dissemination of information.

The Ombudsman information packages and brochures were distributed throughout the fiscal year to organizations and complainants involved in administrative reviews and investigations as well as to participants in education initiatives. A total of 2200 brochures were distributed *(Do You Have*

Concerns About Provincial or Municipal Services? and *We Have Time to Talk*). This surpassed our target of distributing 2000 brochures and kits. The outreach initiatives, particularly those focusing on youth and seniors, devote a substantial amount of time ensuring these groups and government officials responsible for delivering the services are aware of their rights and responsibilities and the role of the Office of the Ombudsman.